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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,839	03/23/2005	Shigeo Hayashi	2005_0462A	8446

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WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON, DC 20006

EXAMINER	
AHMED, SALMAN	

ART UNIT	PAPER NUMBER
2419	

MAIL DATE	DELIVERY MODE
10/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/528,839	**Applicant(s)** HAYASHI ET AL.	
	Examiner SALMAN AHMED	**Art Unit** 2419	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Edan Orgad/
Supervisory Patent Examiner, Art Unit 2419

Salman Ahmed
Examiner
Art Unit: 2419

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments see pages 2-7 of the Remarks section, filed 10/9/2008, with respect to the rejections of the claims have been fully considered and are not persuasive.

Applicant argues (page 3 paragraph 4) that Brosey does not disclose, suggest or otherwise render obvious the above-noted combination of features of a header analyzing section for analyzing a header of an inputted packet and determining whether data stored in a payload is start data containing start information or other data; and a start data identifying section for generating information for identifying the start data in the buffer, based on the analysis result from the header analyzing section and the control by the buffer controlling section, as recited in claim 1.

However, Examiner respectfully disagrees with the Applicant's assertion. The present claim language is broad and in view of the broadest reasonable interpretation of the claim language Brosy does indeed teach the cited limitations. Specifically, Brosy teaches a header analyzing section for analyzing a header of an inputted packet (see col. 5 lines 8-11 and col. 5 line 45-50) and determining whether data stored in a payload is start data containing start information or other data (see col. 6 lines 30-45 new message start point); a start data identifying section for generating information for identifying the start data in the buffer (see col. 6 lines 30-45 new message start point}, based on the analysis result from the header analyzing section and the control by the buffer controlling section (see col. 6 lines 2-6).

As such Examiner respectfully disagrees with the Applicant's assertion that Examiner appears to have taken the position that the claimed "start data containing start information" corresponds to the new message start pointer (NMSP) of Brosey, and that the claimed "information for identifying the start data" also corresponds to the new message start pointer (NMSP) of Brosey (see pages 2-3 of the Office Action).

On the contrary, Examiner respectfully submits that "start data containing start information" corresponds to functions in a preferred embodiment of the inventive device include cyclic redundancy checking (CRC) calculation and a message validation function that checks a header (e.g., a 4-byte MPEG header) before continuing with processing (column 3 lines 45-49). The capture mode may filter any bit in the 3 control bytes of the MPEG header in the packet or mask any bit in the header to turn the masked bits into "don't care" bits. If the address filtering function is turned off, all messages received by the PID filter 104 having active packet identifiers is sent to the message processor 106 (indicated in FIG. 1 as BYTEDATA) If the address filtering is turned on, however, only messages with one of four selected allowable address types will be sent to the message processor 106 as BYTEDATA for storage. In one embodiment, the allowable address types are the following: Unit address 40, Multicast 16, and Broadcast. In this example, the Broadcast address type is always processed, while the other 3 address types are processed only if the address type has been selected and the address is defined in the CPU (column 5 lines 7-27). If the PID filter 104 sets a packet capture mode, the PID filter 104 validates the entire header before the capture function is initiated (column 5 lines 55-57). Referring now to FIGS. 5A through 5D and FIG. 6, the PID filter 104 provides START and END signals for the four different types of transitions moving from packet to packet, processing messages. These signals are used during the header bytes (e.g., 4 bytes in the case of MPEG packet data), which allow enough time for the PID filter 104 to transition to the next packet for message processing (column 5 lines 63-67).

On the other hand, the claimed "information for identifying the start data" corresponds to the message processor 106 conducts two independent processes. The first process counts down a new message start pointer (NMSP) and outputs a new message interrupt signal (NEWMIP). The second process involves processing and storing the message itself by extracting the messages and storing them into circular buffers on word boundaries. FIGS. 5A and 5D illustrate shifting when a new message start point (NMSP) byte is located between a header portion and a body portion in the packet (column 6 lines 30-51).

As such, Examiner respectfully disagrees with the Applicant's assertion (see page 3 paragraph 3) that Examiner has taken position that the new message start point (NMSP) of Brosey corresponds to both of the claimed "start data containing start information" and the claimed "information for identifying the start data in the buffer".

Applicant argues that (page 4 paragraph 2) while the new message start pointer (NMSP) in Brosey is used to identify the start of a new message in a data stream so that the new message can be extracted from the data stream and stored in a buffer (see col. 6, lines 24-35), that Brosey does not disclose or suggest that the formation of complete messages is performed based on the new message start pointer (NMSP).

However, Examiner respectfully disagrees with the Applicant's assertion. Examiner submits that cited prior art does indeed teach the cited limitations as claimed. Specifically, Examiner respectfully submits that Brosey does indeed teach a decode section for reading out data from the buffer with a predetermined timing (see col. 10 lines 46-50 and col. 11 lines 54-56 there preferably are 4-byte wide time slots in which to unload an old message in the process of being extracted), and for performing a decode process for the data read out based on the information for identifying the start data in the buffer (see col. 8 lines 4-16), the information having been generated by the start data identifying section (see col. 6 lines 30-45 new message start point). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the formation of complete messages") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As such claim 1 stands rejected.

Claims 2-8, 9-12, 14, 15 and 19 , 21, 22 stand rejected for the same reasons cited above..